

# EXHIBIT 32

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June 06, 2017

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC  
LITIGATION,

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CASE NO. 5:16-CV-00523-JCS

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CONSOLIDATED ACTION,

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VIDEOTAPED DEPOSITION OF DAVID SCHECHNER

San Francisco, California

Tuesday, June 6, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2240

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| <p style="text-align: right;">Page 102</p> <p>1 lawsuit?</p> <p>2 A No, they do not. I'm sorry, they know</p> <p>3 I'm involved in a class action lawsuit. They don't</p> <p>4 know specifics about it.</p> <p>5 Q Do they know it involves hard drives?</p> <p>6 A No.</p> <p>7 Q Does Netapp know about this lawsuit?</p> <p>8 A Nope.</p> <p>9 Q What did you mean when you said that hard</p> <p>10 drives fail all the time?</p> <p>11 A I mean that hard drives fail. It's what</p> <p>12 they -- I don't know how to rephrase that in any</p> <p>13 other way. I mean hard drives fail. They have a</p> <p>14 certain amount of time, or if there is a bug in the</p> <p>15 firmware the hard drive will fail, it gets replaced.</p> <p>16 In the large storage arrays that I work</p> <p>17 with with customers, one drive failing is not</p> <p>18 usually a concern.</p> <p>19 Q Do you advise customers with regard to</p> <p>20 failure rates?</p> <p>21 A No. No. Because there is a redundancy</p> <p>22 built into these arrays to prevent any sort of</p> <p>23 catastrophic effects from a single drive failure.</p> <p>24 Q I would like you to turn back to Exhibit</p> <p>25 4 for a second.</p> | <p style="text-align: right;">Page 104</p> <p>1 specifications for the drive, the size, the price,</p> <p>2 the annualized failure rate; anything that would</p> <p>3 have been shown on Amazon. I relied on other</p> <p>4 customer reviews.</p> <p>5 Q Do you remember looking at any other</p> <p>6 websites other than Amazon?</p> <p>7 A I do. That was listed in here. I looked</p> <p>8 at Tiger Direct and at Newegg, I believe, was the</p> <p>9 third one that I had listed.</p> <p>10 Q Do you remember going to the Seagate</p> <p>11 website?</p> <p>12 A I looked up the data sheet for the</p> <p>13 Barracuda drives, yes.</p> <p>14 Q What do you recall reading on the data</p> <p>15 sheet?</p> <p>16 A The annualized failure rate was listed</p> <p>17 less than 1 percent power on hours of 2,400.</p> <p>18 Q Did you save anything you saw on the</p> <p>19 Seagate websites?</p> <p>20 A Not at the time, no. I didn't. I have a</p> <p>21 copy of the data sheet now but I had not saved it at</p> <p>22 the time.</p> <p>23 Q Is there any other document that you</p> <p>24 relied on, or website that you relied on, in making</p> <p>25 the decision to purchase the Backup Plus hard drive?</p> |
| <p style="text-align: right;">Page 103</p> <p>1 A Exhibit 4.</p> <p>2 Q RFP numbers three and four are request</p> <p>3 for production numbers three and four.</p> <p>4 Are you currently in possession of any of</p> <p>5 the hard drives referred to in the complaint?</p> <p>6 A I am currently in possession of the hard</p> <p>7 drive that was sent to me in December 2014. I don't</p> <p>8 know the serial number of that drive and whether</p> <p>9 it's referred to in this complaint or not.</p> <p>10 Q In response to request number five, have</p> <p>11 you searched for all documents, including but not</p> <p>12 limited to advertising, upon which you relied in</p> <p>13 connection with your purchases of any of the drives</p> <p>14 referred to in the complaint?</p> <p>15 A I have.</p> <p>16 Q Was there any advertising that you relied</p> <p>17 on?</p> <p>18 A There was no advertising that I had</p> <p>19 saved.</p> <p>20 Q Do you remember what you relied on in</p> <p>21 making the decision to purchase the Backup Plus</p> <p>22 drive?</p> <p>23 A Initially?</p> <p>24 Q Yes.</p> <p>25 A Sure. I relied on the advertised</p>   | <p style="text-align: right;">Page 105</p> <p>1 A We talked about this earlier. I also</p> <p>2 read reviews on Tom's Hardware.</p> <p>3 Q Sorry. I didn't know if that was in</p> <p>4 connection with this specific drive or just hardware</p> <p>5 in general.</p> <p>6 A Yeah.</p> <p>7 Q Do you remember what those reviews said?</p> <p>8 A They were -- I remember they were</p> <p>9 generally favorable, but they did have concern about</p> <p>10 power-on hours of 2,400 being fairly low.</p> <p>11 Q And what did you think about the power-on</p> <p>12 hours being 2,400?</p> <p>13 A At the time, I didn't really know much</p> <p>14 about it or what that statistic meant.</p> <p>15 Q Did you understand it was less than full</p> <p>16 time operation?</p> <p>17 A Yes.</p> <p>18 Q Did you have your back up drive on full</p> <p>19 time?</p> <p>20 A It was plugged in full time and powered</p> <p>21 on full time, yes. But it was not being accessed</p> <p>22 full time.</p> <p>23 Q Did you take that into consideration when</p> <p>24 you purchased the drive?</p> <p>25 A No. I figured a backup drive would just</p>  |

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| <p style="text-align: right;">Page 106</p> <p>1 sit there and be accessed when the backup program</p> <p>2 ran.</p> <p>3 Q At the time that you purchased the</p> <p>4 external hard drive, the Backup Plus, did you know</p> <p>5 the model number of the internal drive?</p> <p>6 A Not at the time.</p> <p>7 Q Where did you find the data about AFR and</p> <p>8 power-on hours?</p> <p>9 A On Seagate's website.</p> <p>10 Q Seagate's website for the Backup Plus?</p> <p>11 A Seagate's website for Barracuda drives,</p> <p>12 yeah.</p> <p>13 Q Did you know it was a Barracuda drive</p> <p>14 that was inside the Backup Plus?</p> <p>15 A I did.</p> <p>16 Q And where did you get that information?</p> <p>17 A I couldn't even tell you. Somewhere</p> <p>18 online. It might have been Tom's Hardware. I don't</p> <p>19 recall.</p> <p>20 Q I think we partially covered this before.</p> <p>21 Have you searched for all of your communications</p> <p>22 with Seagate?</p> <p>23 A Yeah. Yes.</p> <p>24 Q Is it possible that you did not search</p> <p>25 your sent mail folder on your Gmail account?</p> | <p style="text-align: right;">Page 108</p> <p>1 with BackBlaze?</p> <p>2 A I have had no communication with</p> <p>3 BackBlaze.</p> <p>4 Q Do you have any documents relating to the</p> <p>5 purposes for which you used your drives?</p> <p>6 A No.</p> <p>7 Q All right. So going back to Exhibits 1</p> <p>8 and 2, the complaint and the consolidated amended</p> <p>9 complaint.</p> <p>10 MR. SIEGEL: Exhibit 3.</p> <p>11 THE WITNESS: Consolidated.</p> <p>12 MS. RODEWALD: Yeah. There were three</p> <p>13 tomes.</p> <p>14 MR. SIEGEL: Sure.</p> <p>15 BY MS. RODEWALD:</p> <p>16 Q Are you familiar with the differences</p> <p>17 between these three complaints?</p> <p>18 A Not off the top of my head, no. I</p> <p>19 believe there were some objections filed from</p> <p>20 Seagate, and that those were taken into the amended</p> <p>21 complaint.</p> <p>22 Q I think you said that you reviewed the</p> <p>23 original complaint.</p> <p>24 A I did.</p> <p>25 Q When was that?</p>   |
| <p style="text-align: right;">Page 107</p> <p>1 MR. SIEGEL: Objection. Asked and</p> <p>2 answered.</p> <p>3 THE WITNESS: Yeah. We went over that</p> <p>4 before.</p> <p>5 BY MS. RODEWALD:</p> <p>6 Q Okay. I'd like to ask that you do that</p> <p>7 search and provide us with any documents.</p> <p>8 A Okay.</p> <p>9 MR. SIEGEL: I'd object and state that</p> <p>10 you can request that from us and we can communicate</p> <p>11 with our client about that.</p> <p>12 BY MS. RODEWALD:</p> <p>13 Q Did you have any communications with</p> <p>14 BackBlaze?</p> <p>15 A No.</p> <p>16 Q Do you know what BackBlaze is?</p> <p>17 A I know what they are now. I did not know</p> <p>18 back when this all happened.</p> <p>19 Q When did you learn about BackBlaze?</p> <p>20 A When I read the first complaint that was</p> <p>21 filed, or the lawsuit or whatever.</p> <p>22 Q Did you know prior to reading the</p> <p>23 complaint?</p> <p>24 A No.</p> <p>25 Q Have you searched for any communications</p>   | <p style="text-align: right;">Page 109</p> <p>1 A I couldn't tell you exactly. But after</p> <p>2 it was filed, I was sent a copy of it.</p> <p>3 Q Did you review it before it was filed?</p> <p>4 A No.</p> <p>5 Q Were you familiar with what it said</p> <p>6 before it was filed?</p> <p>7 A I had -- I mean I assumed what it would</p> <p>8 contain, based on my conversations with my</p> <p>9 attorneys. I didn't know specifically what it was</p> <p>10 going to say.</p> <p>11 Q Did you review the Exhibit 2, the</p> <p>12 consolidated amended complaint?</p> <p>13 A I skimmed it. I wouldn't say I read</p> <p>14 every word.</p> <p>15 Q When was that?</p> <p>16 A Again, not long after it was filed I was</p> <p>17 sent a copy.</p> <p>18 Q Were you aware that the consolidated</p> <p>19 amended complaint adds claims for the violation of</p> <p>20 the Florida Expressed and Implied Warranty Loss?</p> <p>21 A I was not aware of that.</p> <p>22 Q Were you aware that the consolidated</p> <p>23 amended complaint has a claim for violations of the</p> <p>24 Florida Unfair and Deceptive Trade Practices Act?</p> <p>25 A I was aware of that.</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 Q Do you recall ever seeing this?</p> <p>2 A I don't think so.</p> <p>3 Q Do you think you might have seen</p> <p>4 something on Facebook?</p> <p>5 A Probably. It's hard to say. It could</p> <p>6 have been Facebook. It could have been somebody</p> <p>7 from work e-mailed me a link to it. I don't recall.</p> <p>8 MS. RODEWALD: I'd like to mark this as</p> <p>9 Exhibit 26.</p> <p>10 (Exhibit 26 marked for identification.)</p> <p>11 BY MS. RODEWALD:</p> <p>12 Q Does this post look familiar?</p> <p>13 A No. I've never seen this before.</p> <p>14 Q What have you done so far to participate</p> <p>15 in this litigation?</p> <p>16 A I have corresponded with my attorneys,</p> <p>17 whatever documentation they requested, spoken with</p> <p>18 them.</p> <p>19 Seagate had questions that they sent</p> <p>20 back, and I provided them that information.</p> <p>21 Q Do you know any of the other named</p> <p>22 plaintiffs?</p> <p>23 A I do not.</p> <p>24 Q Have you spoken with any of them?</p> <p>25 A I have not.</p>                   | <p style="text-align: right;">Page 144</p> <p>1 A One, I think, was for print -- for</p> <p>2 overcharging customers. And that was, you know, if</p> <p>3 you had issues, sign up here. And then you hear</p> <p>4 nothing for a year. You get a check in the mail for</p> <p>5 six dollars. That was about the extent of it.</p> <p>6 Q And do you remember any others?</p> <p>7 A There might have been one other. I don't</p> <p>8 recall what it was for.</p> <p>9 Q I just want to make sure if there are</p> <p>10 other issues in the complaint.</p> <p>11 Oh, sorry. Going back to Exhibit 3.</p> <p>12 A Okay.</p> <p>13 Q Paragraph 171.</p> <p>14 It says: Mr. Schechner received a</p> <p>15 warranty replacement from defendant, which was a</p> <p>16 refurbished unit.</p> <p>17 How do you know it was a refurbished</p> <p>18 unit?</p> <p>19 A It had a sticker on the outside that said</p> <p>20 refurb.</p> <p>21 Q Was this in relation to the one you</p> <p>22 received in April 2014?</p> <p>23 A That's correct.</p> <p>24 Q And the drive you received in November</p> <p>25 December 2014, was that also refurbished?</p>                  |
| <p style="text-align: right;">Page 143</p> <p>1 Q Do you know any people who you think</p> <p>2 would be in the class of plaintiffs that you're</p> <p>3 representing?</p> <p>4 A I do not.</p> <p>5 Q What assistance do you plan to provide in</p> <p>6 pursuing this litigation?</p> <p>7 A What do you mean by assistance?</p> <p>8 Q How do you anticipate helping class</p> <p>9 counsel with this litigation?</p> <p>10 A Besides the information I've already</p> <p>11 supplied and -- I don't know what other assistance I</p> <p>12 can provide.</p> <p>13 Q Do you understand that if you lose this</p> <p>14 case, you could be responsible for reimbursing</p> <p>15 Seagate's cost?</p> <p>16 A No, I was not aware of that.</p> <p>17 Q Have you been involved in any other class</p> <p>18 action litigation?</p> <p>19 A Not as a class representative.</p> <p>20 Q As member of the class, have you been?</p> <p>21 A Yes.</p> <p>22 Q Do you remember how many times that was?</p> <p>23 A Once or twice.</p> <p>24 Q Do you remember what the -- what were the</p> <p>25 issues in those cases?</p> | <p style="text-align: right;">Page 145</p> <p>1 A I don't know. I would have to go and</p> <p>2 look at it.</p> <p>3 Actually, it does say, in 172, it was</p> <p>4 another refurbished unit.</p> <p>5 Q Do you remember, as you sit here right</p> <p>6 now, whether it was or it wasn't?</p> <p>7 A If I stated that in the complaint, then</p> <p>8 yes, it was.</p> <p>9 Q I think you've mentioned the word "AFR"</p> <p>10 before in this deposition.</p> <p>11 A Annualized failure rate. Sure.</p> <p>12 Q Do you know what AFR is, other than</p> <p>13 translating it into annualized failure rate?</p> <p>14 A From what I understand, the AFR is the</p> <p>15 expected rate of failures of hard drives. If</p> <p>16 there's a hundred hard drives that are shipped out</p> <p>17 in a year, one of them should fail, for example, if</p> <p>18 it's 1 percent.</p> <p>19 Q And did you read any statements by</p> <p>20 Seagate about AFR prior to purchasing the Backup</p> <p>21 Plus drive in 2012?</p> <p>22 A Yes.</p> <p>23 Q And where did you read that?</p> <p>24 A On the Barracuda products they issued.</p> <p>25 Q I think we're on 27.</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 I, the undersigned, a Certified Shorthand<br/>2 Reporter of the State of California, do hereby<br/>3 certify:<br/>4 That the foregoing proceedings were taken<br/>5 before me at the time and place herein set forth;<br/>6 that any witnesses in the foregoing proceedings,<br/>7 prior to testifying, were duly sworn; that a record<br/>8 of the proceedings was made by me using machine<br/>9 shorthand, which was thereafter transcribed under my<br/>10 direction; further, that the foregoing is a true<br/>11 record of the testimony given.<br/>12 I further certify I am neither financially<br/>13 interested in the action nor a relative or employee<br/>14 of any attorney or party to this action.<br/>15 IN WITNESS WHEREOF, I have this date<br/>16 subscribed my name.<br/>17<br/>18 Dated: _____<br/>19<br/>20<br/>21 <u>Ashley Soevyn</u><br/>22 ASHLEY SOEVYN<br/>23 CSR No. 12019<br/>24<br/>25</p> |  |
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